

**MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF  
THE VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM,  
VILLAGE HALL, ON WEDNESDAY, JUNE 5, 2002**

**Members Present:** Peter Lilienfield, Chairman  
Carolyn Burnett  
William Hoffman  
Jay Jenkins  
Walter Montgomery, Secretary

**Also Present:** Lino Sciarretta, Village Counsel  
Brenda Livingston & Joseph Elliot, Ad Hoc Planning Board  
Members  
Edward P. Marron, Jr., Building Inspector  
Florence Costello, Planning Board Clerk  
Nicola Coddington, E.C.B. Member  
Applicants and other persons mentioned in these Minutes  
Members of the Public.

**IPB Matters**  
**Considered:**

**00-40 – Astor Street Associates, LLC**  
Sht. 7, Portion of P-25000

**01-26 – Danfor Realty**  
Sht. 13B, P-5, P-5C

**01-41 – James R. Gleason & Kathleen Gleason**  
Sht. 14, Bl. 224, Lot 1, 6, 40

**02-04 – Joseph DeMatteo**  
Sht. 12B, Lot 31

**02-12 – Heidi Leigh/Nicholas Leone**  
Sht. 7B, Bl. 249, Lot 4

**02-15 – RER Development Corp.**  
Sht. 10C, Bl. 226, Lot 24B

**02-23 – Alton Barron**  
Sht. 12A, Bl. 255, Lot 7A

**02-25 – Brad & Tanya Hunt**  
Sht. 7A, Bl. 236, Lot 3, 4

**02-26 – Michael Jason Development Corp.**  
Sht. 7B, Bl. 249, Lot P-77C

**02-27 – James Kennedy Construction Company**  
Sht. 10C, Bl. 226, Lot 41 (part of Lot 25)

**02-28 – Carl Falcone**  
Sht. 10A, Bl. 225, Lot 6A2

**02-29 – Louis Lustenberger, Jr. & Lillian Romano**  
Sht. 13A, Lot P-138B2

**02-30 – Kevin & Mary Lockhart**  
Sht. 10C, Bl. 228, Lot 5

**02-31 – Mark Sorbella**

Sht. 10B, Bl. 232, Lot 1

**Informal**                      **02-32 – Rowan/O’Neill**  
**Discussion:**                      (Lot identification not yet assigned)

**Carried Over:**              **02-11 and 02-19 – Geraldine McGowan-Hall**  
   Sht. 11, Lot P7J

**Taken Off Agenda:** **02-21 – Lisa Trencher/Karen Inghilterra**  
   Sht. 10D, Bl. 240, Lot 6 (previously approved)

The Chairman called the meeting to order at 8:05pm.

**Administrative:**

With reference to a Local Law adopted by the Village Board prohibiting the Board from considering any application concerning property on which taxes are delinquent, Mrs. Costello advised the Board that the Village Clerk-Treasurer had confirmed that all properties on the Agenda were current as to taxes and fees. Further, unless otherwise noted, the Applicants submitted evidence of notice to Affected Property Owners.

**IPB Matter # 00-40:**                      **Application of Astor Street Associates, LLC  
for Subdivision and Site Development Plan  
Approval for property at Astor Street (MTA  
Sub-Station).**

Paul Sirignano, Esq., appeared for the Applicant. This matter involves the proposed rehabilitation of the former MTA electrical substation into a residential housing development of nineteen one-bedroom units, four of which will be at specific below-market rental rates. Document submitted was: Astor Street Associates, LLC. Environmental Remediation Plan by IVI Environmental, Inc., dated November 8, 2001. Plans submitted were: Proposed Alteration of Existing Building to Dwelling Units for Astor Street Associates, L.L.C.; CS, SP1, SP2, SP3, SP4, SP5, & LS, prepared by Studio RAI, dated 12/14/01, last revised 1/21/02: “For Planning Board Review Only” Proposed Retaining Wall at Astor Street (2 sheets) prepared by Seymour Warren, P.E., dated 10/29/01 last revised 12/14/01; and Proposed Parking Lot Alteration for Astor Street Associates, prepared by Studio RAI, one sheet, dated 11/14/01 last revised 12/04/01.

The Board received from the Applicants a remediation plan and proposed subdivision plat showing easements, as well as a proposed final set of site plans, resubmitted contract of sale with amendments, and other materials. Mr. John Dalgen of Tim Miller Associates discussed the remediation plan, stating that the work appeared to be technically sound and that the principal subjects to examine more closely were lead paint, asbestos and soils. At this point, he said, there are no major concerns that he has identified, although he was waiting for information regarding the location of several borings.

The Chairman stated that the major issues before the Board were the easements and the subdivision plat, and cited numerous inconsistencies. He said Messrs. Mastromonaco, Marron and Sciarretta should review the easements. Mr. Sciarretta emphasized that the easements must be consistent with what is depicted on the plat.

The Board set a public hearing for its July meeting, on condition that the subdivision plat be corrected as discussed, other remaining issues would be addressed, and that the Applicant would agree to the continuation of the hearing if so requested by the IPB. The Applicant agreed to such stipulations. The Board continued this matter.

**IPB Matter # 02-25:**

**Application of Brad & Tanya Hunt for Site  
Development Plan Approval for Property at  
54 Station Road.**

The Applicant was represented by Robert Kahn, architect. The proposed design calls for the addition of one bedroom over the existing one-story foyer, and to raise a portion of the roof 18 inches to create a bedroom and bath in the attic. There is no increase in footprint. Drawings entitled Proposed Alterations, Mr. & Mrs. Brad Hunt Residence dated May 11, 2002 one (1) sheet, prepared by Robert Kahn Architect were submitted. Mr. Marron said that the project requires a State variance because of the height of a room that will be habitable space. Mr. Sciarretta stated that the Applicant should obtain a State variance but agreed with the Chairman that IPB approval could be granted subject to the granting of the State variance.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. There were no comments from the public. The Board then determined that the application is for a proposed action which is a Type II action under SEQRA.

After discussion, on motion duly made seconded and unanimously approved, the Board then adopted the following Resolution:

**WHEREAS**, the Planning Board has determined in accordance with Section 224-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site

Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application subject to approval of any required State variances.

**IPB Matter # 02-04:**

**Application of Joseph DeMatteo for Site  
Development Plan Approval for Property at  
39 North Brook Lane.**

David Steinmetz, Esq., represented the Applicant, and Mr. DeMatteo appeared before the Board as well. The Applicant is proposing to construct an addition to a single-family house, to include a deck expansion and a wading pool with patio and retaining walls. Plans submitted: DeMatteo Residence by Richard Henry Behr, Architect, P.C., last revised January 23, 2002 (four sheets).

The Chairman and Mr. Steinmetz briefly reviewed the issues involving the Applicant's ownership of his property and access via the private road running in front of his property. Mr. Sciarretta confirmed that the Applicant has now submitted the appropriate package for the Board to act on re-subdivision approval, including consent of the easement holders regarding access. The Chairman said the application for Site Development Plan Approval could now be considered complete; the Board set a public hearing for Site Development Plan Approval for July, to be preceded by consideration of action on Re-Subdivision Approval. Mr. Steinmetz indicated that he would draft a resolution for Re-Subdivision Approval.

**IPB Matter # 02-12:**

**Application of Heidi Leigh and Nicholas Leone  
for Site Plan Development Approval for  
Property at 9 Dows Lane.**

Mr. Julius Twyne, Jr., architect, represented the Applicants, who are proposing to expand their residence by altering and extending a previous addition to their house and by adding a stone-clad tower. This was a continuation from the Board's May 1, 2002 meeting.

The Chairman and Mr. Twyne discussed tree-protection issues. The Chairman said that, with regard to the aesthetics of the project, the Board had received letters both for and against the new construction.

Mr. Mastromonaco had no comments on the project. Neighbors in attendance asked about the distance of the construction from a nearby tree, the possibility of making changes in the design and the Board's jurisdiction over aesthetic issues. Mr. Twyne said that there is no way to make more than minimal compromises on the design without defeating its intended effect. The Chairman stressed the need to protect the tree nearest to the proposed construction.

As suggested at the May meeting, the Applicant met with the Architectural Review Board (ARB) to discuss the application. It is noted that the meeting with the ARB was informal; the Chairman reviewed the ARB's May 13, 2002 minutes with regard to the proposed expansion. The Board then unanimously agreed that the aesthetic issues that had been raised in this Application were more appropriately within the purview of the Architectural Review Board.

The Board determined that the application is for a proposed action which is a Type II action under SEQRA. After discussion, on motion duly made seconded and unanimously approved, the Board then approved plans entitled Residence Addition/Alteration, 9 Dows Lane by Julius Twyne, Jr., RA, dated March 16, 2002, last revised April 30, 2002, 17 sheets.

**IPB Matter # 02-26:**

**Application of Michael Jason Development Corp. for Site Development Plan Approval for property at 4 Dows Lane.**

Mr. Ferdinand Gottlieb, architect, represented the Applicant, who proposes to raze the existing residence and replace it with another house. Applicant plans to remove the existing residence (which has a 2,927 sq. ft. footprint) and replace it with another residence of 4,500 sq. ft. (or the equivalent of a 54% increase). The building will be partially two stories, a total of about 49,193 cubic feet. Applicant submitted Plans of various titles by Ferdinand Gottlieb Associates, dated May 3, 2002, six (6) sheets.

The Chairman asked for clarification of the ownership of El Retiro Lane, a private road which abuts the Applicant's property. Review of the application indicated that the Applicant had not provided notification to all of the necessary affected parties; as such, the Applicant was directed to correct the notification for the July meeting. Discussion of the Application ensued, however it was with the understanding that this was on an informal basis and would be revisited at the next meeting.

Mr. Gottlieb said that no tree would be destroyed by this project, and that the placement of the building had been designed to minimize any impact on the site's trees (including two Japanese maples in the front of the house). The Chairman noted that the Applicant should be aware of whether the proposed improvements intrude into the drip lines of the trees. Further, the Chairman questioned the rationale for elevating the project by two feet, and Mr. Gottlieb said the purpose was to reduce necessary excavation. In addressing one of Mr. Mastromonaco's concerns, Mr. Gottlieb also said that the two parking spaces within the front yard setback would be eliminated. In addition, the proposal calls for connection to the sewer in El Retiro Lane, eliminating the need for the septic system now in use. The Chairman said this change should be clearly delineated on the plans, and the sewer lines must be kept out of the tree roots.

Mr. Marron stated that an easement might be necessary in order to tie into the sewer, which is considered to be public but was located on private property. The Chairman

asked that the Applicant research the private road, the availability of the sewer line and any limitations on use, etc.

Mr. Marron asked for a breakdown of the components of the lot coverage calculation. He said the setbacks and height of the project pose no issues, nor does the garage. Barbara Denyer and Evan Mason expressed concerns about the design, including its harmony with the neighborhood, the chimneys and the complexity of the roof, and about tree protection. The Chairman asked that tree-protection measures be stipulated on the plan, and that Mr. Marron's and Mr. Mastromonaco's issues be addressed. The Board continued this matter.

**IPB Matter # 02-28:**

**Application of Carl Falcone for Waiver of Site Development Plan Approval for Property at 44 Circle Drive.**

Mr. Carl Falcone represented himself. He is requesting approval for a new 12 ft. x 16 ft. wood frame deck, as well as related renovations. The total area is 260 sq. ft. that will increase the footprint of the existing structure by less than 15%. Plans entitled The Falcone Residence by C. & O. Design & Development Plan dated May 20, 2002, two (2) sheets were submitted.

Citing Mr. Mastromonaco's memorandum of June 5, 2002, the Chairman asked for additional information on the site plan, especially with regard to coverage and trees to come down. The Board continued this matter.

**IPB Matter # 02-29:**

**Application of Louis Lustenberger, Jr. & Lillian Romano for Site Development Plan Approval for Property at 47 Havemeyer Road.**

Mr. Mitchell Koch, architect, represented the Applicant, who is proposing to add a bedroom and storage room to an existing structure. The increase will add a total of about 330 sq. ft. of floor area on a total of one floor and a total of about 2800 cu. ft. Plans entitled Lustenberger-Romano residence by Mitchell Koch, Architects dated May 22, 2002, five (5) sheets were submitted.

Discussion centered on the height of the project and the use of a portion of the basement. Mr. Marron confirmed that the Applicant's coverage calculations are valid and that the proposed addition does not extend or increase a non-conformity.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. There were no comments from the public. The Board then determined that the application is for a proposed action which is a Type II action under SEQRA.

After discussion, on motion duly made seconded and unanimously approved, the Board then adopted the following Resolution:

**WHEREAS**, the Planning Board has determined in accordance with Section 224-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan approval for this Application.

**IPB Matter # 02-30:**

**Application of Kevin & Mary Lockhart for  
Site Development Plan Approval for property at  
67 Riverview Road.**

Mr. Howard Raabe, architect, represented the Applicant. The Applicant is proposing a second-floor addition over a one-story garage and a one-story extension behind the garage, as well as other renovations to the house. The increase will add a total of about 250 sq. ft. of floor area and a total of about 10,608 cu. ft. Plans submitted were: Lockhart Residence by Howard S. Raabe, Jr., Architect dated May 28, 2002, five (5) sheets.

Mr. Marron said the survey does not represent what is now on the property, that the fence was not approved by the Architectural Review Board, and that the lot will be rendered non-conforming because the proposed project will expand the footprint of the existing structure and create a front yard setback that is less than permitted under Village Code.

Additional details were requested, and the Board continued this to the July meeting.

**IPB Matter # 02-31:**

**Application of Mark Sorbella for Site  
Development Plan Approval for Property  
at 72 Hudson Avenue.**

Joseph R. Crocco, architect, represented the Applicant, who is proposing a two-story addition at the rear of the existing dwelling. The increase will add 768 sq. ft. of floor area on two floors, for about 6,552 cu. ft. Plans entitled Sorbella Residence by Joseph R. Crocco, A.I.A., dated May 22, 2002, three (3) sheets were submitted.

The Board confirmed that variances had been obtained for the front- and side-yard setbacks, (Z.B.A. #2002-12). Mr. Marron said that coverage calculations are needed to determine whether an additional variance may be necessary.

The Chairman asked that the plans be modified to show the following: the steps; sewer and water lines; and drainage details. The Board continued this matter.

**IPB Matter # 02-15:**

**Application of RER Development for Site  
Development Plan Approval for Property at  
290 Riverview Road.**

Mr. Emilio Escaladas, architect, represented the Applicant, who is proposing to demolish an existing structure and construct a new single-family residence. Plans entitled Proposed Residence for Renato Rancic on a Lot on Riverview Road by Escaladas Associates dated March 20, 2002 revised May 20, 2002, five (5) sheets were submitted.

Mr. Escaladas reviewed the plans for the house, including the proposed height and elevation. The Chairman asked for clarification on the Applicant's ability to utilize the access road to the Water Tank. He also cited Mr. Mastromonaco's memorandum of June 5, 2002 which noted discrepancies in coverage data and the need to verify the square footage of the project. Mr. Marron said the correct coverage is not on the plan and must be there.

Mr. Sciarretta indicated that the Applicant had provided some information regarding the use of the access road to the Village Water Tank, but that he needs the survey referred to in the description of the easement and certification of the easement. Nearby residents asked questions regarding setbacks, the sewer line, aesthetics of the proposed design and drainage. Mr. Escaladas noted that the dwelling will be connected to the public sewer in Riverview Road, and that the plan calls for better drainage than is now at the site. The Board continued this matter.

**IPB Matter #02-23:**

**Application of Alton Barron for Site  
Development Plan Approval for Property at  
63 Havemeyer Road.**

Mr. Barron represented himself. The Applicant is proposing to construct a 6'x22' addition to the rear of the house; the application had been carried over from the Board's May 1, 2002 meeting. Plans entitled Addition to Barron Residence by Louise Bravermen, Architect, dated April 10, 2002, four (4) sheets) had been submitted.

Applicant received variance (ZBA #2002-13) with regard to Section 224-13 of the Irvington Zoning Ordinance, relating to coverage, so as to permit the construction of a small addition to the rear of the house and to approve a pre-existing deck at the front of the house.



The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. There were no comments from the public. The Board then determined that the application is for a proposed action which is a Type II action under SEQRA.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

**WHEREAS**, the Planning Board has determined in accordance with Section 224-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan approval for this Application.

**IPB Matter # 02-27:**

**Application of James Kennedy Construction  
Company for Site Development Plan Approval  
for Property at Riverview Road.**

Mr. Paul Petretti, Civil Engineer and Land Surveyor, represented the Applicant. This involves the second lot of the Ciccio-Chernik subdivision, on which the Applicant is proposing to construct a new house. Plans entitled Construction Plan prepared for James Kennedy Construction Company, by Paul J. Petretti, P.E., L.S., dated May 16, 2002, two (2) sheets, and Proposed Residence for Mr. Jim Kennedy, by Escaladas Associates dated May 15, 2002 two (2) sheets.

Mr. Petretti reviewed the plans. The Chairman cited Mr. Mastromonaco's memorandum of June 5, 2002, noting, in particular, issues pertaining to the driveway grade, drainage and the need to clarify responsibility for construction of the common portion of the driveway for the two properties. The Chairman asked Mr. Petretti to create a larger, more readable plan focused on the Kennedy property, and to stake the footprint for a Board site walk to be held at 9:00 am on June 22<sup>nd</sup>.

Mr. Wexler, who owns a property adjoining the Kennedy parcel, expressed concern about the location, size and height of the proposed house, stating that the plan shows the dwelling situated farther back on the property than on the limited site plan. The

Chairman asked Mr. Petretti to create a north-south cross-section showing the proposed dwelling relative to Mr. Wexler's house and the height of Riverview Road at the entrance to the property. This matter was continued.

**IPB Matter # 01-26:**

**Application of Danfor Realty for Subdivision  
Approval for Property Adjoining Harriman  
Road.**

Mr. Paul Petretti, civil engineer and land surveyor, represented the Application. This matter involved preliminary subdivision layout and limited site plan approval of a seven-lot subdivision (2 lots of which are already improved).

Mr. Petretti said he had submitted the required escrow agreement to Village Counsel. He also agreed to prepare a draft scoping document for the Board's SEQRA review. The Board continued this matter.

**IPB Matter # 02-32:**

**Informal Discussion of Proposed Construction of  
Rowan/O'Neill Home on Lot 4 of Westwood  
Tract "A".**

Mr. Pat Steinschneider represented the Applicant, which was intended to provide an understanding of the type of residence envisioned for one of the lots proposed in Westwood Tract A. The Chairman stressed that the Board would not be taking any action on this matter, but agreed to listen to the proposal.

Mr. Steinschneider reviewed the plan, indicating that he had increased the footprint of the structure beyond that permitted in the Zoning Ordinance in exchange for lower height and a lesser massing. The Board reiterated that it was permitted only certain latitude with regard to decreasing setbacks, but that it did not have the ability to increase the coverage; such action would necessitate action by the Zoning Board of Appeals.

The Chairman emphasized that the discussion of any construction in Westwood is, at this point, necessarily very preliminary. The Board anticipates revisiting the site when the roads are in place before final approval can be granted for any individual lot.

Mr. Steinschneider, Mr. Sciarretta and the Chairman then informally discussed the timetable that Westwood Development Associates must meet in order to fulfill all requirements for final approval of Westwood Tract "A" and prior to the commencement of infrastructure work on that parcel. Mr. Sciarretta said he would review the timetable requirements.

**IPB Matter # 01-41:**

**Previously Approved Application of James R.  
Gleason & Katherine Gleason for Preliminary  
Subdivision and Limited Site Development Plan  
Approval for Property at 115 South Broadway.**

The Applicants requested exemption from the Village's recreation fee levied as a result of the subdivision approval granted at the Board's May meeting. The Applicants believe such fee is inappropriate, contending that no new lots – only “restructured” lots -- have been created.

The Board unanimously agreed that there is no basis under existing rules for such an exemption and noted the In Lieu Fee applicable to calendar year 2002 is \$8,704.00.

The Board then considered the following administrative matters:

- Minutes of the Planning Board held on February 13, 2002 (Special Meeting Westwood & Astor Street Properties, LLC) and April 24, 2002 (Special Meeting Westwood), previously distributed, were on motion duly made and seconded, approved.
- The next regular meeting of the Planning Board was scheduled for July 10, 2002.

There being no further business, the meeting was adjourned at 11:35 p.m.

Respectfully submitted,

Walter Montgomery  
Secretary